

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.06.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.Nos.13873 to 13876 of 2018 and
W.M.P.Nos.16389 to 16396 of 2018

R.Sengaivelu	..Petitioner in W.P.No.13873 of 2018
P.Kandhasamy	..Petitioner in W.P.No.13874 of 2018
R.Sivakumar	..Petitioner in W.P.No.13875 of 2018
M.Manivannan	..Petitioner in W.P.No.13876 of 2018

Versus

1. State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Higher Education,
Fort St. George, Chennai - 600 009
 2. The Vice Chancellor,
Annamalai University, Annamalai Nagar,
Cuddalore District - 608 002
 3. The Registrar,
Annamalai University, Annamalai Nagar,
Cuddalore District - 608 002
- .. Respondents
in all W.P.'s

Common Prayer :

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus calling for the records of the 3rd respondent impugned order dated 02.04.2018 in Ref.No.C1-10/21851/2018 and quash the same and consequently directing the respondents to not to interfere with the service conditions of the petitioners except in accordance with law.

For Petitioners : Mr.J.Saravana Vel
in all W.P.'s

For R1 : Mrs.P.Kavitha,
in all W.P.'s Government Advocate

For RR2 & 3 : Mr.Isaac Mohanlal, Senior Counsel,
in all W.P.'s for M/s.Isaac Chambers

COMMON ORDER

Challenging the decision of the respondent in proceeding dated 02.04.2018 taking a decision to reduce them in rank and pay and the show cause notice be illegal and arbitrary, more particularly, the same to be violation of principles of natural justice, these writ petitions have been filed, seeking the relief to quash the same. Similar question of law and facts being involved, all these writ petitions are taken up together for disposal.

2. This court while issuing notice in all the writ petitions had stayed the operation of such order. However, the University has filed counter affidavit common to all the writ petitions indicating therein that the order to be treated as withdrawn, but seeks for liberty to proceed against the writ petitioners by issuing show cause notice. It would be profitable to quote the paragraphs 3 and 4 of the said reply affidavit which reads as thus:-

"3. I submit that pursuant to the opinion taken from the Legal Counsel, the University has decided to withdraw the said Notices impugned in all these Writ Petitions with the permission of this Hon'ble Court so as to issue fresh Show Cause Notices to all these Zonal Officer / Liaison Officers / Special Officers Grade-I / Special Officers Grade - II before taking any such decisions on re-designation. This respondent humbly prays for such permission from this Hon'ble Court.

4. In view of the above, the impugned Notices would all stand withdrawn. The University however reserves the right to proceed afresh by giving opportunities to these Zonal Officer / Liaison Officers / Special Officers Grade-I / Special Officers Grade - II to submit their respective remarks / explanation before any such decision on their re-designation would be taken by the University."

3. In view of the aforesaid decision of the University, it goes without saying that nothing remains to adjudicate in these writ petitions, inasmuch as aforesaid impugned orders have been treated to be withdrawn. It goes without saying that after the withdrawal of the impugned orders by the University, the University / employer is at liberty to proceed against the writ petitioners in accordance with law, if facts and situations so exist and for that no leave of this Court is required.

4. This court, therefore has nothing to say with regard to such leave, inasmuch as the withdrawal of the impugned orders

does not preclude the University to proceed against the writ petitioners who are their employees for their reversion or reduction in rank and pay, if there is any justifiable reasons for the same. But the same must be adhering to the law.

5. In the aforesaid eventuality also, the submissions advanced by the learned counsel appearing for the writ petitioners is that they also be given liberty to challenge the same. This Court finds that such a liberty sought for by the learned counsel for the petitioners to be without substance inasmuch as such a liberty, if the cause of action arose, always available to the writ petitioners and no leave of this Court is required for the same.

6. With the aforesaid views, all the above writ petitions stand closed. The Writ Miscellaneous Petitions wherein interim order passed also stand closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu,
Department of Higher Education,
Fort St. George,
Chennai - 600 009

2. The Vice Chancellor, सत्यमेव जयते
Annamalai University,
Annamalai Nagar,
Cuddalore District - 608 002

3. The Registrar,
Annamalai University,
Annamalai Nagar,
Cuddalore District - 608 002

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NMI (CO)
CS/19/07/18